THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:3539 of 2006

DATED:16-07-2007

BETWEEN:

G.Ramesh Kumar.

..... PETITIONER

AND

Bharat Petroleum Corporation Ltd.,
Area Marketing Manager,
Sarojinidevi Road,
Secunderabad & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in not awarding marks in accordance with the guidelines issued by the respondent authorities themselves, as illegal, arbitrary, and consequently direct them to award the petitioner 62.50 marks and

58 marks to the 3rd respondent in the selection for retail outlet dealership of Anantapur town, Anantapur District.

3. It is the case of the petitioner that pursuant to the notification, dated 09-09-2005, issued for appointment of retail outlet dealership at Anantapur town, petitioner, and the 3rd respondent applied for the same. It is stated that the interviews were held on 20-02-2006, and 21-02-2006 and though the petitioner is a Postgraduate he has been given

12 marks but the 3rd respondent who is only an engineering graduate was given 15 marks.

4. It is stated that the 3rd respondent applied for dealership of B.P.C.L. company retail outlet on National Highway No.7 in Anantapur by-pass road, whereas the petitioner has applied for Anantapur, and therefore, the application of the petitioner cannot

be accepted.

5. I have perused the records produced by the learned counsel appearing for the petitioner. The application of the 3rd respondent goes to show that he also applied at Anantapur town and as against the location column, it is clearly mentioned as Anantapur town. In the project report it is stated that the data relates to B.P.C.L. outlet located on
NH-7, Anantapur. Merely because the National Highway is passing through Anantapur town it cannot be said that the location of the 3rd respondent applied at Anantapur is not within the Anantapur town. Insofar as the marks awarded are concerned it is stated that the 3rd respondent is an Engineering graduate and therefore, as per the guidelines, for Engineering graduate 15 marks are earmarked and for the post graduates only 12 marks are earmarked. But however, the overall marks awarded to the petitioner are only 90, whereas the 3rd respondent was awarded 93.08 and the 2nd highest marks were awarded to one C.Chandrasekhar i.e., 91.69. Therefore, I am of the opinion that the petitioner is not entitled for any relief as the 3rd respondent secured higher marks than the petitioner and the award of 15 marks to the 3rd respondent as per the guidelines cannot be find fault.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

V.ESWARAIAH,J

16th July, 2007.

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